

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – October 7, 2003**

MEMBERS PRESENT

James Murphy
Bruce Bell
Walter Bowditch
Kenneth Charest
Joseph Herlihy
Theodore Webersinn

MEMBERS ABSENT

David Adams

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, A.A.G.
Susan Greenlaw, Board Clerk
Kim Baker-Stetson, Licensing Clerk

Location: Central Conference Room

Start: 9:02 a.m.

Adjourn: 12:12 p.m.

CALL TO ORDER

The meeting was called to order at 9:02 a.m.

AGENDA MODIFICATIONS

Members agreed to add the following to the agenda:

- Complaint #REA-174 - Update

OLD BUSINESS

Action on Minutes of September 2, 2003 Meeting

A motion was made by Walter Bowditch and seconded by Joseph Herlihy to approve the minutes of the September 2, 2003 meeting as written. Unanimous.

Action on Tabled Applications/Items

See "Review and Action on Applications and Education."

NEW BUSINESS

Informal Conference re: #REA-173

A motion was made by Bruce Bell and seconded by Theodore Webersinn to offer the Consent Agreement as written and allow the licensee ten days to accept or reject it. If the Agreement is rejected by the licensee, an adjudicatory hearing shall be scheduled. Unanimous.

Adjudicatory Hearing re: Roger Beesley (#REA-166)

Assistant Attorney General Dennis Smith presented a consent agreement for the Board's consideration. A motion was made by Terry Bowditch and seconded by Kenneth Charest to accept the proposed consent agreement. Unanimous.

Administrator's Report

Members were notified that the Office of Licensing and Registration fee rule became effective on September 22, 2003. The Board's financial status continues to be monitored.

Members were reminded that written reports are required by individuals attending out of state conferences/meetings.

The Board received the AQB's "Fifth Exposure Draft on revising the Real Property Appraiser Qualification Criteria". These proposed changes continue to be monitored.

Continuing Education Audit: Discussion regarding the percentage of licensees to be audited pursuant to the rules that became effective August 19, 2003. Theodore Webersinn indicated that he may obtain some information at the AARO Fall Conference. A motion was made by Theodore Webersinn and seconded by Walter Bowditch to table action on the percentage of licensees to be audited until Mr. Webersinn returns from the Conference. Unanimous.

The Board was presented with an application for licensure in which the licensee provided a negative response to the criminal conviction question. A background check revealed convictions. When the Board's Administrator asked the applicant for verification of the response, the applicant continued to deny that there was a conviction. A motion was made by Joseph Herlihy and seconded by Theodore Webersinn to issue a letter of guidance. Bell, Herlihy, and Murphy voted in the affirmative; Bowditch, Charest, and Webersinn voted in opposition. Motion failed. A motion was made by Theodore Webersinn and seconded by Kenneth Charest to offer a Consent Agreement to include a \$500 fine. Bowditch, Charest, and Webersinn voted in the affirmative; Bell, Herlihy, and Murphy voted in opposition. Motion failed. A motion was made by Theodore Webersinn and seconded by Kenneth Charest to offer a Consent Agreement to include a \$250 fine. Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; Bell and Herlihy voted in opposition. Motion carried.

The Board was presented with an application for licensure in which the licensee disclosed a conviction but did not provide court documents. The applicant did provide a written explanation of the circumstances surrounding the conviction. Upon further investigation, it was found that the applicant did not disclose the conviction on the initial appraiser application submitted in June of 2000. The Board's Administrator requested a written explanation for the conflicting disclosures, to which the applicant has not yet responded. A motion was made by Kenneth Charest and seconded by Theodore Webersinn to table action on this application to the next meeting. Unanimous.

Complaint Officer's Report

#REA-174: At their September 2, 2003 meeting the Board voted to flag the licensee's file for non-renewal; refer the complaint to the Attorney General's Office for permanent license revocation; and to refer the complaint to the appropriate officials regarding the forgery allegation. The licensee's attorney has requested that the Board consider a permanent injunction in lieu of filing for prosecution. A motion was made by Walter Bowditch and seconded by Kenneth Charest to authorize the Assistant Attorney General to proceed with negotiations regarding this matter. Unanimous.

Review and Action on Applications and Education

NAME	APPLYING TO:	RECOMMENDATION/ACTION
BLAINE WEATHERBEE AP 658	UPGRADE FROM AP TO SIT FOR CR EXAM QE BAL ON FILE = 119 EXP HRS SUBMITTED = 2500 FIRST LICENSED = 04/06/1992 ADEQUATE # OF MAJOR/COMPLEX APPR?	<u>TABLED - 09/02/03</u> MOTION BY BOWDITCH AND SECONDED BY BELL TO UNTABLE. UNANIMOUS. ➤ MOTION BY BOWDITCH AND SECONDED BY BELL TO DENY PURSUANT TO SECTIONS 4B2 & 3B5. UNANIMOUS.
JOHN SAVARD RA 1258	UPGRADE FROM TRAINEE TO SIT FOR CR EXAM QE BAL ON FILE = 144 EXP HRS SUBMITTED = 4000+ FIRST LICENSED = 06/06/1996 ADEQUATE # OF MAJOR/COMPLEX APPR?	<u>TABLED - 09/02/03</u> MOTION BY BOWDITCH AND SECONDED BY WEBERSINN TO UNTABLE. UNANIMOUS. ➤ 10/7/03 - MOTION BY HERLIHY AND SECONDED BY WEBERSINN TO APPROVE FOR THE CR EXAM. UNANIMOUS. ➤ BOWDITCH AND CHAREST REVIEWED APPRAISALS.
ROCH ROUSSEAU	REQUEST FOR REINSTATEMENT OF CR 195 LICENSE EXPIRED: 12/31/2000 NO DISCIPLINE ON FILE FIRST LICENSED: 03/21/1991	<u>TABLED – 09/03/03</u> MOTION BY BOWDITCH AND SECONDED BY WEBERSINN TO UNTABLE. UNANIMOUS. ➤ 10/7/03 - MOTION BY BOWDITCH AND SECONDED BY HERLIHY TO OFFER PRELIMINARY DENIAL. UNANIMOUS. ➤ 9/7/03 – RECEIVED E-MAIL REQUESTING EXTENSION. ➤ 9/2/03 – RECEIVED VOICE MAIL FROM APPLICANT WHO IS HAVING TROUBLE COMPLETING EDUCATION REQUESTED. HE WILL RESPOND IN WRITING BEFORE 30 DAYS IS UP. ➤ 8/5/03 – NO RESPONSE TO LETTER DATED 1/14/03.
SANDRA MCCALLUM	UPGRADE FROM CR TO SIT FOR CG EXAM QE BAL ON FILE = 180+ EXP HRS SUBMITTED = 3000+ FIRST LICENSED = 03/29/1991 ADEQUATE # OF COMMERCIAL APPR?	<u>TABLED – 09/02/03</u> MOTION BY HERLIHY AND SECONDED BY BOWDITCH TO UNTABLE. UNANIMOUS. ➤ 10/7/03 - MOTION BY BOWDITCH AND SECONDED BY WEBERSINN TO DENY APPLICATION. UNANIMOUS. ➤ 10/7/03 – NO RESPONSE. ➤ 9/2/03 – REMAINED TABLED UNTIL 30 DAY WINDOW CLOSING. ➤ 8/8/03 – SENT LETTER REQUESTING NAME OF SUPERVISOR FOR COMMERCIAL WORK AND COPIES OF DETAILED NARRATIVES FROM ASSESSMENT WORK. ➤ 8/5/03 – CHAIR TO REVIEW ASSESSING LOG FOR APPRAISAL CREDITS.

DUKE SIMONEAU	UPGRADE FROM AP TO SIT FOR CG EXAM QE BAL ON FILE = 200+ EXP HRS SUBMITTED = 3000+ FIRST LICENSED = 07/31/2000 ADEQUATE # OF COMMERCIAL APPR?	<u>TABLED - 09/02/03</u> MOTION BY HERLIHY AND SECONDED BY BOWDITCH TO UNTABLE. UNANIMOUS. ➤ 10/7/03 - MOTION BY BOWDITCH AND SECONDED BY HERLIHY TO TABLE UNTIL NEXT MEETING. UNANIMOUS. ➤ 9/2/03 – APPLICANT E-MAILED AND SAID HE WAS PUTTING TOGETHER THE INFORMATION. ➤ 8/5/03 – BOARD REQUESTED 6 APPRAISALS FOR REVIEW.
KURT HOWGATE	UPGRADE FROM AP SIT FOR CR EXAM QE BAL ON FILE = 160+ EXP HRS SUBMITTED = 3000+ FIRST LICENSED = 03/09/1999 ADEQUATE # OF MAJOR/COMPLEX APPR?	<u>TABLED - 09/02/03</u> MOTION BY CHAREST AND SECONDED BY BOWDITCH TO UNTABLE. UNANIMOUS. ➤ 10/7/03 - MOTION BY BOWDITCH AND SECONDED BY CHAREST TO APPROVE FOR CR EXAM UNANIMOUS ➤ 9/2/03 – COPIES OF APPRAISALS GIVEN TO BOWDITCH AND CHAREST FOR REVIEW. ➤ 8/5/03 – BOARD REQUESTED APPRAISALS FOR REVIEW..
PATTY LUCAS	UPGRADE FROM AP TO SIT FOR CR EXAM QE BAL ON FILE = 160+ EXP HRS SUBMITTED = 3000+ FIRST LICENSED = 04/06/1992 ADEQUATE # OF MAJOR/COMPLEX APPR?	➤ 10/7/03 - REQUESTED 6 APPRAISALS FOR REVIEW.
ADAM BROOKS	UPGRADE FROM AP TO SIT FOR CG EXAM PREVIOUSLY HELD A CG LICENSE IN MAINE FROM 1996 TO 1999 WHEN HE LET LIC LAPSE HAS DOCUMENTED 180 HOURS OF QE HAS DOCUMENTED 3000 HOURS OF EXPERIENCE	➤ MOTION BY BOWDITCH AND SECONDED BY CHAREST TO APPROVE FOR CG EXAM UNANIMOUS.
LUTHER YONCE	UPGRADE FROM AP TO SIT FOR CG EXAM PREVIOUSLY HELD A CG LIC IN FLORIDA FROM 1991-2000 WHEN HE LET LIC LAPSE HAS DOCUMENTED 180 HOURS OF QE HAS DOCUMENTED 3000 HOURS OF EXPERIENCE BASED ON VERIFICATION OF QUALIFICATIONS FROM THE STATE OF FLORIDA	➤ MOTION BY BOWDITCH AND SECONDED BY CHAREST TO APPROVE FOR CG EXAM UNANIMOUS.

Correspondence

Meeting Schedule – 2004 (attached)

A motion was made by Walter Bowditch and seconded by Theodore Webersinn to approve the 2004 meeting schedule as presented. Unanimous.

Next Meeting Scheduled for November 4, 2003

OTHER BUSINESS

ADJOURN

Being no further board business the meeting was adjourned at 12:12 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk